



Residential Substance Abuse Treatment for State Prisoners

Answers to Frequently Asked Questions

TABLE OF CONTENTS

| | |
|--|---|
| Eligibility | 1 |
| Formula Allocation | 1 |
| Local Programs | 2 |
| Juvenile Programs | 2 |
| Program Development and Design | 3 |
| Aftercare | 4 |
| Program Participants | 5 |
| Drug and Alcohol Testing Requirement | 6 |
| Supplanting | 6 |
| Administration | 7 |

Residential Substance Abuse Treatment for State Prisoners

Answers to Frequently Asked Questions

The following are answers to frequently asked questions related to the Residential Substance Abuse Treatment for State Prisoners Program. Most of the questions have been raised by officials in the State Offices responsible for administration of this formula grant program as well as by other interested parties. This document provides guidance regarding the program provisions and requirements as defined in the Program Guidance and Application Kit and should be used as a companion document to the Kit.

Eligibility

QUESTION: Who is eligible to apply?

ANSWER: Only States are eligible to apply for funding under the Residential Substance Abuse Treatment for State Prisoners Program (RSAT). "State" is defined as the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The statute specifically designates the State agency which administers the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program as the agency to administer the Residential Substance Abuse Treatment Program.

QUESTION: May the Governor designate a different agency to administer the program?

ANSWER: Since the State Office designation is statutorily defined, the funds must be awarded to that agency.

Formula Allocation

QUESTION: The formula is based on State prison populations. Do these figures include State prisoners held in local jails or held under contract in a facility in another State?

ANSWER: The State prisoner counts are obtained from Bureau of Justice Statistics surveys of the States and include all inmates for whom the State has legal authority and responsibility for enforcing a prison sentence. This includes all inmates, including those inmates who may be housed in other States/Territories, county jails, city jails, halfway houses, Federal facilities, etc. Excluded from the count are inmates housed in the State on behalf of other States/Territories or Federal or local authorities, inmates under the jurisdiction of a parole or juvenile board and those in escape or AWOL status. For States with a unified prison and jail system, only inmates sentenced for 1 year or more

are included in the count.

QUESTION: **If offenders are sentenced for more than a year to local jails can these offenders be included in the State prisoner counts for purposes of determining fund allocations?**

ANSWER: No. The statute requires the funds to be allocated on the basis of "State prison population."

Local Programs

QUESTION: **Can the funds be used to implement local programs?**

ANSWER: Yes. Although the program title indicates that the funds are for programs which provide treatment for State prisoners, programs that treat inmates in local jails may also be funded.

QUESTION: **Since the program title is “residential substance abuse treatment for State prisoners”, are participants in local programs limited to State prisoners held in local facilities?**

ANSWER: No. Programs in local facilities may serve local inmates, as long as they are held long enough to participate in the residential program for at least six months.

QUESTION: **Are the States required to award part of the formula grants available to local units of government?**

ANSWER: No. All of the funds may be used for State-level programs or the State may choose to pass-through all or a portion of the funds to local units of government.

Juvenile Programs

QUESTION: **Can grant funds be used to provide substance abuse treatment in juvenile facilities?**

ANSWER: Yes.

Program Development and Design

QUESTION: **The program purpose indicates that funds can be used for programs “in which**

prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment.” What constitutes “a sufficient period of time”?

ANSWER: The statute requires that the program last between 6 and 12 months, which is the period shown by many research studies to be the optimal time in treatment. A grant-funded program should accept only inmates which can participate in the residential phase of the program for at least 6 months.

QUESTION: **Can inmates participate in the program for more than 12 months?**

ANSWER: No. Studies have shown that the effectiveness of a residential treatment program begins to decrease if the offender remains in the program too long. This is not to suggest that offenders will not require additional treatment and support after the residential portion of the program. The program should be designed with at least two phases: the residential (grant supported) phase, followed by an intensive and comprehensive aftercare program.

QUESTION: **Can the funds be used to treat offenders who abuse alcohol?**

ANSWER: Yes. Substance abuse refers to both alcohol and drug abuse.

QUESTION: **Must the program be located within a prison or jail?**

ANSWER: No. The residential treatment may be provided in conventional prison and jail facilities, as well as in boot camps, halfway houses, residential community corrections programs, and other similar types of residential correctional facilities.

QUESTION: **Can the program be designed to provide part of the program (e.g. three months of residential treatment) in an institution and the balance in a residential correctional facility, such as a halfway house, in the community?**

ANSWER: Yes, as long as the residential portion of the program lasts between 6 and 12 months. If the program is split, the two residential components must be coordinated to provide a continuity of services. An aftercare component should still be available to provide treatment services and support to the offenders after release from the community residential component.

QUESTION: **The treatment facility must be set apart from the general correctional population. What does “set apart” or “totally separate facility” mean?**

ANSWER: “Set apart” and “totally separate facility” means a building, component, or dedicated

housing unit within a correctional facility that is exclusively for use by program participants. It should have dedicated space for housing and for program activities. Program participants may share facilities with the general population for meals, recreation, education, and other activities.

Aftercare

QUESTION: May grant funds be used to pay for aftercare services?

ANSWER: No. Grant funds may only be used for the residential portion of a treatment program.

QUESTION: The guidelines indicate that the States are "required to give preference to subgrant applicants who will provide aftercare services to program participants." Does this mean that a State could fund a program without an aftercare component?

ANSWER: Yes. States are only required to give preference to programs which provide aftercare, research indicates that programs are much more effective if aftercare services are provided.

QUESTION: If an offender is returned back to the general population after completing the residential substance abuse program can we provide the aftercare within the facility?

ANSWER: Aftercare refers to nonresidential community-based services, including treatment, support, and monitoring of the offender, which follows release from the residential treatment program. Generally, offenders should be placed in a residential treatment program during the last 6 to 12 months of their sentence in a residential facility so that they can be released directly into a community-based aftercare program. If an offender is returned to the general population, he or she should be provided with support services within the institution and should be placed in an aftercare program when returned to the community.

Program Participants

QUESTION: **Must an offender be sentenced to prison or jail to qualify for participation in a grant-funded treatment program?**

ANSWER: No. The offender must be sentenced to or held in a residential facility operated by a State or local correctional agency. The facility may be in an institution, such as a prison, jail, or bootcamp, or in the community, such as a halfway house or a community corrections program.

QUESTION: **Can the courts sentence directly to a community-based residential treatment program or must the offender be sentenced to and placed by the department of corrections?**

ANSWER: Grant funds may be used to support residential substance abuse treatment programs in correctional facilities which serve as an alternative to incarceration and accept offenders directly from the courts.

QUESTION: **Can grant funds be used to establish a community-based residential treatment program which serves as a intermediate sanction for probation or parole violators rather than sending or returning them to prison?**

ANSWER: Yes, as long as the program meets the other criteria.

QUESTION: **Can grant funds be used to buy slots or pay for services for offenders in a private treatment facility?**

ANSWER: No. The program must be in a correctional facility.

QUESTION: **Could a correctional agency use grant funds to contract with a private entity to provide services within a correctional facility?**

ANSWER: Yes.

Drug and Alcohol Testing Requirement

QUESTION: States must sign an assurance as part of their application for funds, that they will implement or continue to require urinalysis or other proven reliable forms of testing of individuals in correctional residential substance abuse treatment programs, including released individuals who remain in the custody of the State. Does this apply to all of the State's residential substance abuse treatment programs or only those that are grant funded?

ANSWER: Although States are encouraged to test individuals in all corrections substance abuse treatment program, this requirement only applies to grant funded programs.

QUESTION: May grant funds be used to implement the drug testing requirement?

ANSWER: Yes, but only the costs associated with testing of offenders while in the grant funded program may be paid with grant funds.

QUESTION: If the State awards grants for local governments, is the local unit of government required to implement urinalysis or other testing of individuals?

ANSWER: No. Because a State must provide a signed assurance regarding this requirement with its application for funds, the State is only required to commit to testing offenders in the custody of the State. However, States are encouraged to make testing in local programs a condition of the award.

Supplanting

QUESTION: May grant funds be used to expand or enhance an existing treatment program?

ANSWER: Yes. Grant funds may be used for the expanded or enhanced portion of an existing program. However, grant funds may not be used to supplant or replace existing non-Federal funds.

QUESTION: Can the residential substance abuse treatment for State prisoners funds be used to continue a project currently funded by another Federal grant program?

ANSWER: Yes. Although the intent of this program is to increase the availability of treatment programs for offenders, these funds could be used to continue a program currently funded by another Federal grant program. However, the rules related to supplanting would apply to the continuation of programs currently funded with State or local funds. Programs initiated with other Federal funds must meet or be modified to meet the requirements for this program.

Administration

QUESTION: **How quickly can the States expect to receive their awards following submission of their application?**

ANSWER: The statute requires that applications be approved or rejected within 90 days after receipt of the application. OJP anticipates making all or most of the awards in a much shorter time.

QUESTION: **Will States receive the grant money in a lump sum or the normal advance/reimbursement method?**

ANSWER: States will receive your grant dollars in the advance/reimbursement method.

QUESTION: **Are the grants for three years?**

ANSWER: The grant awards for each fiscal year will be made for the year of the appropriation plus two. This award period will generally give the State sufficient time to request and review applications and implement programs with the funds.

A new award will be made annually as funds become available (the program is authorized for each year through FY 2000). Therefore, a State may have more than one award active at any point in time. This will enable some States with small awards to use funds from two or more fiscal years to implement a single project.